



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

Application no. 48053/06
Imran Vakhidovich USPANOV
against Russia
lodged on 27 July 2006

STATEMENT OF FACTS

The applicant, Mr Imran Uspanov, is a Russian national, who was born in 1975 and is currently serving a term of imprisonment in correctional colony IK-28 in the Arkhangelsk Region. He is represented before the Court by lawyers of Stichting Russian Justice Initiative, an NGO based in the Netherlands with a representative office in Russia.

The facts of the case, as submitted by the applicant, may be summarised as follows.

A. The background to the case

In the applicant's submission, on 19 September 2003 he was apprehended in his house in the village of Assinovskaya by a group of servicemen who took him to the Achkhoy-Martan military commander's office and tortured there. Subsequently he was taken to the Groznenskiy District Department of the Interior and the Sunzhenskiy District Department of the Interior where the beatings continued. During the beatings he was requested to testify against the people he did not know and to confess to a number of crimes he had not committed. It appears that he did not do so. On 21 September 2003 he was released from the premises of the latter authority by its head Mr A.T., who did not return him his passport, despite the applicant's requests. Mr A.T. told him that the passport was retained at the military commander's office.

The applicant's attempts to get his identity card back from the military commander's office provide futile. He did not complain about the above incident to any authorities, fearing further ill-treatment.

B. The applicant apprehension and alleged ill-treatment

The account of the events below is based, among other things, on the information contained in the application form, the applicant's written statement to his representatives dated 14 July 2006; written statements by residents of Assinovskaya R.M., Z.M., M.D., L.V. and M.Sh., dated 27, 28, 29 and 30 March 2006 and 1 April 2006, and written statements by the applicant's mother and wife dated 25 July 2006.

1. The applicant's apprehension

At about 4 p.m. on 31 October 2004 the applicant left his house in the village of Assinovskaya to go to the local market. At about 200 metres distance from the market he was stopped by a white VAZ-2199 and a silvery VAZ-2115 vehicle with licence plates "445" and "554" from which emerged a group of about seven armed persons in uniforms without insignia. They hit him with their gun butts and dragged him inside the VAZ-2199 vehicle. Once they had the applicant in the car, they put a black bag on his head.

According to written statements by R.M., Z.M., M.D., L.V. and M.Sh., residents of Assinovskaya, at about 4 p.m. on 31 October 2004, while they were either selling something or shopping at the local market, they saw a group of armed men wearing camouflage uniforms who had arrived in two VAZ vehicles with licence plates "445" and "554" and had dragged the applicant to one of their vehicles, beating him, had put him inside and had swiftly left. According to L.V., after the applicant's apprehension many people at the market gathered to discuss it and they surmised that the applicant's abductors were the so-called "kadyrovtsy" (members of the Security Service of the President of Chechnya founded by Mr Akhmad Kadyrov, who used them as his personal security service, and headed at the material time by his son Mr Ramzan Kadyrov (hereinafter also "the security service")). In L.V.'s submission, at the material time the "kadyrovtsy" repeatedly raided the village and took young men away with them.

In the applicant's submission, after he had been thrown in one of the vehicles and it took off, they drove for about two hours, after which the vehicle stopped and the applicant was dragged, with the bag still on his head, to a basement in a building unknown to him.

2. The applicant's alleged ill-treatment

In the basement the applicant was placed in a room without furniture or other amenities. It had only one small window close to the ceiling. According to the applicant, there were three other rooms in the basement where one or two persons were held simultaneously with him and who were also ill-treated.

Shortly after his placement in the room five to six men entered it and started beating the applicant, requesting that he confessed to having committed various crimes, testified against people unknown to him and signed blank papers they gave him. They kicked him on his body and hit him with their fists, pistol butts and a spade handle. They particularly beat him on his shoulders and hips. Such treatment continued for about seven days, in so far as the applicant was able to judge by the light coming

through the window, and it occurred mostly at nights. Some of the persons who beat the applicant up wore masks but others did not and he was able to memorise their faces. After several days of beatings they also attached an electric wire to one of his fingers and the handcuffs they put on him and passed electric current through his body. This continued for about fifteen minutes, after which he was given time to rest and then would be administered further electric shocks for further fifteen minutes. The applicant had to endure such treatment for about 24 hours. Not being able to withstand the treatment, the applicant did what was requested of him, including signing the blank documents.

3. The applicant's relatives' search for him and their meetings

In the meantime, at about 7 p.m. on 31 October 2004 the applicant's brother told L.Kh., the applicant's wife, that her husband had been abducted by armed camouflaged men in the vicinity of the market, following which she went there and talked to the witnesses of the abduction, who gave her the licence plates numbers of the abductors' vehicles.

On 1 October 2004 L.Kh. went to the local police station of the Sunzhenskiy District and complained about the abduction of her husband to police officer A.T. He allegedly told her that the applicant had been most likely abducted by the security service of the Chechen president and promised her to search for her husband.

On 3 October 2004, in the absence of any news from the police, L.Kh. and the applicant's mother went to Grozny where, at the central market they spotted the vehicles matching the description given to her by the persons who had witnessed her husband's abduction, including their licence plates' numbers. At the time of their arrival at the market law-enforcement authorities were conducting their identity checks and a local police officer allegedly told the women that the cars belonged to the Gudermes division of the Security Service of the Chechen President and they went to the headquarters of that authority on the same day but were told by its officials that the applicant was not there and that the head of the division was absent.

On 5 or 6 October 2004 L.Kh. and the applicant's mother ultimately managed to talk to J., a senior officer of the Gudermes division of the security service who told her that they had to go to the security service headquarters where they would be able to talk to the head of the Gudermes division of that authority.

On the same day the women came to the Gudermes headquarters of the security service (in some documents the applicants also refer to it as the Gudermes base of the security service) and were received by its head, who informed them that the applicant had been detained because he was a member of illegal armed groups and that he could not be released because they still needed "to check him". However, he would show him to his relatives. Shortly thereafter the applicant, from whose head the bag had been removed, was brought to an office at the first floor of the building in which he had been held after his apprehension. There he saw several persons in camouflage uniforms, as well as his mother and wife. One of the uniformed persons introduced himself as the head of the security service of Ramzan Kadyrov and said that the applicant was at the security service base in Gudermes. According to the applicant's wife and mother, the applicant

was supported by an officer because he could barely walk and was dragging one foot. His eyes were red, he had black holes under his eyes and his clothes were dirty and torn apart. He could also barely speak and asked his relatives to bring him some food because he had had nothing to eat for five days and warm clothing. After that the head of the security service turned to the applicant's relatives, told them that they could now see that the applicant was alive and that his fate would be decided by a court, following which the applicant was taken back to the basement. According to his relatives, on the same day officers of the Gudermes base agreed to pass on to the applicant the food they had bought for him at the local market.

On the same day the applicants' relatives were approached by a certain Sh., who had been present among other uniformed men during the applicant's meeting with his relatives on the base premises. He offered them to try to obtain the applicant's release in exchange for 10,000 US dollars (USD).

On 7 November 2004 L.Kh. came to Gudermes to bring warm clothing for the applicant. There she met Sh., told him that she had only been able to collect USD 5,000 and asked for a meeting with the husband. On the same day she was able to speak to the applicant for five minutes in the presence of the guards.

On 10 November the applicant's wife contacted Sh. to tell him that she had collected the entire sum of money but he told her that the applicant had been taken to the Sunzhenskiy Department of the Interior (hereinafter also "the Sunzhenskiy ROVD").

4. The ensuing events

On 10 November 2004, after his transfer to the Sunzhenskiy ROVD, the applicant was placed in a cell in the basement where he was held overnight.

On 11 November 2004 police officers A.T. and M.Shch. brought the applicant from the Sunzhenskiy ROVD to investigator A.S. of the prosecutor's office of the Achkhoy-Martanovskiy District (hereinafter also "the district prosecutor's office"). The applicant immediately complained to the investigator about his ill-treatment and unlawful detention but the latter disregarded his complaints and threatened him with further ill-treatment if he would not confess to the crimes imputed to him or refused to cooperate. He also showed the applicant his passport seized during his apprehension in 2003. A.S. furthermore introduced the applicant to a certain Mrs L.T. and told him that she would be his lawyer. When the applicant refused her services, A.S. told him that he would then have no lawyer at all. The investigator then instructed L.T. to contact the applicant's wife and mother and to conclude with them an agreement concerning his representation.

By a document entitled "notification of an arrest of a suspect" (*сообщение о задержании подозреваемого*) dated 11 November 2004 investigator A.S. informed the head of the district prosecutor's office that at 10.30 a.m. on the same date he had arrested the applicant pursuant to Articles 91 and 92 of the Code of Criminal Procedure (hereinafter also "the CCrP") on suspicion of participation in an illegal armed group.

The applicant's arrest record of 11 November 2004 stated that he had been arrested at 10.20 a.m. on the same date by investigator A.S. as a suspect.

According to the record of interrogation of a suspect of 11 November 2004, the applicant was suspected of participation in an illegal armed group, several terrorist attacks and assaults at law-enforcement officials and unlawful acquisition, storage and carrying of arms and explosives. According to the document, the applicant stated, among other things, that he had been in contact with an illegal armed group, accepted money from them and brought them food. The applicant also stated that on 31 October 2004 he had been arrested by unknown armed persons who brought him to Gudermes and interrogated him on various members of illegal armed groups. After the applicant had told them everything he knew they had released him on 10 November 2004 and on the same day officers of the Sunzhenskiy ROVD had arrested him and brought him to the Sunzhenskiy ROVD. The interview record also contained the applicant's statement that officers of the Sunzhenskiy ROVD had not applied physical force to him. The record was signed by the applicant and lawyer L.T.

At about 6 p.m. on 11 November 2004 the applicant was brought to the police ward of the Achkhoy-Martanovskiy District Department of the Interior (hereinafter also "the Achkhoy-Martanovskiy ROVD").

At about 10 a.m. on 12 November 2004 the facility doctor examined the applicant. The relevant entry in the applicant's medical file dated 12 November 2004 stated that the applicant had bodily injuries on his shoulders and hips and, in particular, bruises of purple-bluish and yellowish colour, and that his right lumbar region was painful on palpation.

In the applicant's submission, Mrs L.T., a lawyer appointed to him by investigator A.S., closely cooperated with the investigation and investigator A.S. persistently prevented him from having access to lawyer Yu.A., hired by his relatives to represent him in the proceedings.

C. Proceedings concerning the applicant's alleged ill-treatment and his criminal case

1. The applicant's complaints and the first refusal to open a criminal case into his alleged ill-treatment

In the applicant's submission, following his transfer to the police ward of the Achkhoy-Martanovskiy ROVD, he complained about his ill-treatment and unlawful detention to the prosecutor's office of the Chechen Republic and the Achkhoy-Martanovskiy District Court. However, those complaints were never examined.

On an unspecified date in December 2004 the applicant complained to the district prosecutor's office, submitting that his self-incriminating statements given to the law-enforcement authorities since his first detention on 19 September 2003 had been obtained under physical and psychological pressure and that he had been ill-treated and blackmailed into giving them. He requested that his forensic medical examination be carried out with a view to recording his bodily injuries.

On an unspecified date in January 2005 the district prosecutor's office opened an inquiry into the applicant's allegations.

On 11 January 2005 investigator F.A. of the district prosecutor's office ordered the applicant's medical examination.

By a decision of 13 January 2005 F.A. instructed the Forensic Medical Expert Bureau of Grozny (hereinafter also “the forensic bureau”) to carry out the applicant’s medical examination.

According to expert report no. 35 of 13 January 2005, the applicant submitted to the expert that at about 3 p.m. on 31 October 2004 he had been apprehended by armed individuals wearing camouflage uniforms who had dragged him into their vehicle while hitting him with their rifle butts and had driven him to an unknown destination. He had then been placed in the basement of a building where they continued beating him, particularly on his hips and shoulders. He had been held there for ten days and then transferred to the Sunzhenskiy ROVD. On the eleventh day he had been transferred to the Achkhoy-Martanovskiy prosecutor’s office where no one beat him up. The report went on to note that the expert had found no bodily injuries on the applicant. At the same time, it followed from the a medical certificate dated 12 November 2004 and signed by doctor M. that the applicant’s shoulders and hips were covered by purple-bluish and yellowish bruises and that his right lumbar region was painful on palpation. The expert concluded that at the moment of his examination the applicant had no bodily injuries, including such as those which could have been caused by impact of electricity. As regards the injuries mentioned in the medical certificate, they could have been sustained as a result of repeated impact of blunt solid object/s. The yellowish colour of the bruises indicated that those injuries could have been sustained seven to ten days prior to the applicant’s examination by doctor M.

By decision of 18 January 2005 the district prosecutor’s office refused to institute criminal proceedings into the applicant’s allegations of ill-treatment. In the copy of the decision furnished by the applicant the second page is missing. As regards the remaining page, the decision states that the applicant was arrested on 10 November 2004 in the village of Assinovskaya during a special operation carried out by officers of the Sunzhenskiy ROVD and that on 11 November 2004 he was brought to the district prosecutor’s office and arrested as a suspect pursuant to Article 91 of the CCrP and that no breaches of the provisions of the CCrP had been established. Lawyer L.T. submitted that she had represented the applicant from the moment of his arrest and had participated in all investigative steps carried out by investigator A.S. The latter had not applied any pressure to the applicant and her client had not complained to her about any unlawful methods on the part of A.S., officers of the Sunzhenskiy ROVD or the police ward of the Achkhoy-Martanovskiy ROVD. A.T., officer of the Sunzhenskiy ROVD, submitted that the applicant had been arrested on 10 November 2004, during a special operation carried out by police officers of the Sunzhenskiy ROVD. The applicant had resisted his arrest. However, “owing to the skilful actions of the police officers” he had been arrested and brought to the Sunzhenskiy ROVD.

2. Relevant information from the trial court record

On 15 March 2005 the Supreme Court of the Chechen Republic started its examination of the criminal case against the applicant and his co-accused D.B.

According to the trial record, the applicant submitted that he had been apprehended on 31 October 2004 near the market in the village of Assinovskaya by armed camouflaged men who had put a black bag on his head, placed him in their car and taken him to a basement of a building where they had arrived after a two-hour drive. In the basement he had been tortured with a view to obtaining his incriminating statements against a number of individuals and his co-accused D.B., as well as his confession to having participated in a terrorist attack together with him. Under torture he had signed blank papers and other statements that they had given to him. On the sixth or seventh day of his detention he was shown to his wife and mother, after which he had been placed back in the basement. On the tenth day of his detention he had been told that he would be brought to Sernovodsk [*sic*]¹ and that he was to repeat his earlier statements because otherwise he would be again subjected to torture. In the Sernovodskiy ROVD² he had been interrogated again and on the next day he had been brought to the Achkhoy-Martanovskiy district prosecutor's office where investigator A.S. introduced him to Mrs L.T. and told him that she was his lawyer, despite his objections. A.S. had threatened him with physical reprisals if he refused to cooperate. The applicant submitted that he had been beaten up by officers of the security service and the Sunzhenskiy ROVD and referred to his bodily injuries recorded upon his admission to the Achkhoy-Martanovskiy ROVD.

L.V., resident of Assinovskaya, testified to the trial court that she had witnessed the applicant's apprehension in the vicinity of the local market on 31 October 2004 by armed men wearing camouflage uniforms, who had arrived in two civil vehicles. The applicant's wife and mother submitted before the court that the applicant had been arrested on 31 October 2004, that they had found out the licence plates numbers of the vehicles of the applicant's abductors and had learnt that he had been held in Gudermes. The head of the "headquarters in Gudermes" had allowed them to visit the applicant on the headquarters premises. The applicant had been in a bad state and had been barely able to walk or speak because he had been ill-treated there.

Investigator A.S. testified to the trial court that he did not know when the applicant had been arrested and whether he had been held anywhere before A.S. arrested him on 11 November 2004. He denied having applied physical force to the applicant and stated that the materials of the case-file contained statements by police officers that the applicant had resisted his arrest.

3. Inquiry into the alleged ill-treatment initiated by the trial court

On 13 April 2005 the trial court granted the applicant's and his lawyer's requests and ordered an additional inquiry into the applicant's alleged ill-treatment.

Following the court's order, on 22 April 2005 investigator A.F. of the district prosecutor's office issued a decision refusing to institute criminal proceedings into the applicant's and his co-accused' ill-treatment. The decision reproduced the submission by the applicant's previous lawyer L.T.

¹ Probably a clerical error

² Probably a clerical error

that her client had not been ill-treated, given by her during the earlier inquiry. It further stated that, according to investigator A.S., he was notified about the applicant's arrest by the Sunzhenskiy ROVD. The investigation had no information on the applicant's detention in Gudermes, although "there exist[ed] operational information that officers of the security service had participated in the [applicant's] arrest". A.T., officer of the Sunzhenskiy ROVD, submitted that on 10 November 2004 he had been informed that the applicant had been arrested by officers of the security service. On the same day he and other police officers had gone to Gudermes and brought the applicant to the Sunzhenskiy ROVD. According to submissions of officers of the security service, whom he did not know, the applicant had resisted his arrest. A.T. submitted that he found it plausible that "physical force, which had not been life-threatening, had been applied to [the applicant] during his arrest". At the same time, A.T. flatly denied having applied any force to the applicant after his transfer to the Sunzhenskiy ROVD and the district prosecutor's office. In A.T.'s submission, the applicant had given his self-incriminating statements after having realised that the law-enforcement authorities had indisputable evidence of his involvement in the illegal armed group. S.I., deputy head of the Sunzhenskiy ROVD, submitted that the applicant had resisted his arrest by officers of the security service and could have, accordingly, sustained minor bruises. However, no physical pressure had been exerted on him during the investigation. A.I., head of the police ward of the Achkhoy-Martanovskiy ROVD, stated that the applicant had been admitted to the police ward at 4.25 p.m. on 11 November 2004. At the moment of his examination he had had no visible bodily injuries and had not sought medical assistance. Investigator A.F. further cited the medical evidence concerning the applicant's bodily injuries and concluded that the applicant's complaints against the officers of the Sunzhenskiy ROVD, other law-enforcement authorities and investigator A.S. had been unfounded.

4. The applicant's conviction at first instance

By judgment of 8 June 2005 the Supreme Court of the Chechen Republic found the applicant guilty of participation in an illegal armed group, concerted terrorist attacks and assaults on law-enforcement officials and unlawful acquisition, possession and carrying of arms. In finding the applicant guilty the court noted that it based his conviction on the applicant's and his co-accused' pre-trial statements because it considered them detailed and consistent and being confirmed by other evidence. It also noted that the investigating authorities had verified the applicant's submissions concerning the alleged ill-treatment and had dismissed them as unfounded and that those decisions had not been challenged in courts. The applicant was sentenced to eighteen years' imprisonment.

The applicant appealed, arguing, among other things, that the trial court had disregarded serious breaches of the requirements of criminal law and procedure committed by the investigating authorities in his case. In particular, it had paid no attention to the fact that he had been, in reality, arrested on 31 October 2004, after which he had been held, in unacknowledged detention, on the premises of the security service of the President of the Chechen Republic, where he had been tortured, and that after his transfer to the Sunzhenskiy and Achkhoy-Martanovskiy ROVD he

had also had been subjected to intimidation and threats with a view to “consolidating” the (self)-incriminating statements obtained earlier. He further argued that all inquiries into his alleged ill-treatment and unacknowledged detention had been superficial, referred to various inconsistencies in the statements of law-enforcement officials concerning the date and circumstances of his arrest and argued that the investigators had failed to provide a plausible explanation of his injuries. He also averred that the investigator’s request to the security service of the President of the Chechen Republic about the date and circumstances of the applicant’s arrest had been left without reply. He further stressed that his complaints to the investigating authorities and the Achkhoy-Martanovskiy District Court about the unlawfulness of his detention and the ill-treatment were left without reply. The applicant argued that against that background the court’s admission of his self-incriminating statements obtained under torture had been unlawful.

5. The appellate court judgment

By judgment on 8 December 2005 the Supreme Court of the Russian Federation upheld the applicant’s conviction on appeal.

6. Court proceedings concerning the refusals to open criminal investigation into the applicant’s alleged ill-treatment and unlawful detention

On 31 August 2006 the applicant’s wife complaint on her husband’s behalf to the Achkhoy-Martanovskiy District Court about the refusals of the district prosecutor’s office, issued on 18 January and 22 April 2005, to institute criminal proceedings into her husband’s alleged ill-treatment. She also complained that the detention record in respect of her husband had been compiled on the tenth day after his actual detention.

On 11 October 2006 the district court dismissed the complaint. After having reproduced verbatim the text of the decision of 22 April 2005, the district court concluded that there were no grounds to call into doubt the investigators’ conclusions in the decisions challenged on the applicant’s behalf.

The applicant’s wife appealed against the decision, reiterating the arguments concerning his unlawful and unacknowledged detention and ill-treatment, the presence of bodily injuries recorded by State authorities and referring to Articles 3 and 5 of the Convention.

By decision of 22 November 2006 the Supreme Court of the Chechen Republic dismissed the appeal and upheld the district court decision, observing, among other things, that the applicant’s allegations had been already carefully examined by the Supreme Court of the Chechen Republic during his criminal trial.

D. The applicant’s contraction of tuberculosis

According to the applicant, on the third or fourth day after his arrival in correctional colony in Arkhangelsk he was placed in solitary confinement in a cell where the temperature was 10 degrees Celsius. He was held there for

about fifteen days and was only allowed to wear normal indoor clothes. He was subsequently placed to the solitary confinement cell again three or four times. The applicant did not specify the dates of his placement there or otherwise provided any details about the conditions there.

In the applicant's submission, as a result of those poor conditions and because of his previous ill-treatment he contracted tuberculosis.

According to a medical certificate dated 10 January 2007 and issued by the deputy head of colony IK-29, the applicant's fluorography of 13 November 2006 in colony IK-28 had revealed that he was suffering from tuberculosis. His earlier fluorography of 28 February 2006 had not revealed any signs of that illness. On 29 November 2006 the applicant had been sent to specialised colony IK-29 for an additional medical examination. The applicant's fluorography performed in colony IK-29 indicated that he had TB in an active form, following which he started receiving treatment for his condition. The treatment for the applicant in specialised colony IK-29 was planned to continue for the following six to seven months.

E. Information concerning the applicant's correspondence with the Court

According to the applicant, on 6 February 2006, while he was held in the Chernokozovo detention facility, he submitted to its officials a letter to the European Court in which he requested a case be opened in his name. He handed the letter over to the prison guards and gave them the correct address and money for sending it and the latter promised him to send the letter.

On 27 March 2006 the applicant submitted a further letter addressed to the Court to the officials of the colony in Arkhangelsk with a request that it be sent.

On 15 May 2006 the applicant asked the colony officials to send his third letter to the Court. He was told that his letter was forwarded to the Court on 25 May 2006 and that it was given outgoing number 26/28-4-U-3.

In the applicant's submission, he received no replies to those letters.

On 27 July 2006 the applicant submitted to the colony officials a fourth letter addressed to the Court which was forwarded to the International Protection Centre in Moscow, an NGO. In that letter the applicant complained that he had been ill-treated and unlawfully held in detention between 31 October and 10 November 2004 and that the criminal proceedings against him had been unfair. He also submitted that he had earlier written to the European Court on three occasions but had never received any replies to his letters.

By letter of 17 November 2006 lawyers of the International Protection Centre forwarded the applicant's letter of 27 July 2006 to the Court, informing it that they would not act as the applicant's representatives. That letter was received by the Registry on 20 November 2006.

COMPLAINTS

The applicant complains under Article 3 of the Convention that he was subjected to torture between 31 October and 10 November 2004 and that the authorities failed to carry out an effective investigation into the matter.

Under the same Convention provision he complains that, as a result of poor conditions of his detention in the colony in Arkhangelsk he contracted tuberculosis.

He further complains that between 31 October and 10 November 2004 he was held in unacknowledged detention in breach of all guarantees of Article 5 of the Convention.

The applicant submits under Article 6 that he did not have a fair trial in his criminal case because the courts convicted him on the basis of his self-incriminating statements obtained under torture.

Under the same provision he complains that the proceedings in which he challenged the prosecutors' refusals to institute criminal proceedings into his alleged ill-treatment were unfair.

Lastly, the applicant complains under Article 13 that he did not have effective remedies in respect of his grievances under Articles 3 and 5 of the Convention concerning his alleged torture and unacknowledged detention.

QUESTIONS TO THE PARTIES

1. Have the authorities carried out a special operation on 31 October 2004 in the village of Assinovskaya aimed, in particular, at arresting the applicant? What law-enforcement authorities were involved in the operation? Were officers of the Security Service of the President of the Chechen Republic involved in the operation? If so, were they identified and interviewed in the context of the investigation into the applicant's alleged ill-treatment? Was the applicant detained at the premises of the Security Service of the President of the Chechen Republic between 31 October and 11 November 2004?

2. Having regard to the applicant's submissions, was the applicant subjected to a treatment contrary to Article 3 of the Convention between 31 October and 11 November 2004? The reference is being made to medical records confirming the existence of injuries on the applicant's body. The Government are invited to address the following factual questions.

(a) Once in the hands of the authorities:

- (i) What was the exact time and date of the applicant's detention?
- (ii) In what facility was the applicant placed after his arrest?
- (iii) Was the applicant informed of his rights? If so, when, and what rights was he informed about upon his arrest?
- (iv) Was he given the possibility of informing a third party (family member, friend, etc.) about his detention and his location and, if so, when?
- (v) Was he given access to a lawyer and, if so, when?

(vi) Was he given access to a doctor and, if so, when and was his medical examination conducted out of the hearing and out of sight of police officers and other non-medical staff?

(vii) In what facilities was the applicant held after his arrest and until 20 November 2004?

(b) What activities involving the applicant and by what law-enforcement authorities were conducted in the period between 31 October and 30 November 2004? If they were carried out at night, was this lawful? What was the applicant's procedural status? What confessions and/or statements did the applicant give during that period (please submit relevant documents, in particular, records containing the applicant's statements/confessions, as well as on-site verifications of his statements, if any)? Was the applicant given access to a lawyer before and during each such activity?

In answering each of the above questions the Government are requested to submit the relevant **legible** documents, or, where necessary, accompany them by typed copies, in support of their information.

3. Have the authorities complied with their positive obligation under Article 3 of the Convention to carry out an effective investigation into the applicant's allegations of ill-treatment? In particular:

(a) Were the investigating authorities who carried out the inquiries into the applicant's allegations of ill-treatment independent from the investigating authorities who were responsible for investigating the criminal case against him?

(b) Which officers from which police department(s) were involved in the inquiries into the applicant's complaints of police ill-treatment? What operational and other activities did they carry out in the course of the inquiries and were those sufficient to ensure that the investigation into alleged torture be thorough and effective?

(c) The parties are invited to specify, in particular:

- whether forensic medical examinations/medical expert examinations were performed in respect of the applicant in order to establish the nature and the origin of his injuries?

- when was the applicant questioned/interviewed in respect of his allegations of ill-treatment in the framework of each of the inquiries conducted into it?

The Government are requested to submit relevant **legible** documents and, if need be, their typed copies, in response to each of the above questions, including, but not limited to:

- the applicant's medical file for the period between 31 October and 30 November 2004;

- entire copies of case-files of all inquiries into the applicant's alleged ill-treatment, leading to decisions refusing to institute criminal proceedings, issued on 18 January and 22 April 2005;

- copies of all applicant's and his lawyers' complaints to the authorities about the ill-treatment;

- excerpts of logbooks of persons admitted to the Gudermes headquarters of the Security Service of the President of the Chechen Republic for the period between 31 October and 12 November 2004 in respect of the applicant;
- excerpts from medical logbooks of primary medical examination of individuals admitted to the police ward of the Security Service of the President of the Chechen Republic for the period between 31 October and 12 November 2004 in respect of the applicant;
- extracts of logbooks of persons admitted to the police wards of the Sunzhenskiy and Achkhoy-Martanovskiy ROVD (*книга учета лиц, содержащихся в ИВС*) for the period between 10 and 20 November 2004;
- excerpts of medical logbooks of individuals admitted to the police wards of the Sunzhenskiy and Achkhoy-Martanovskiy ROVD (*медицинский журнал первичного учета лиц, поступающих в ИВС*) for the period between 10 and 20 November 2004.

4. Did the applicant exhaust domestic remedies in respect of his complaint under Article 5 of the Convention? Did he comply with the six-month requirement in respect of the above complaint? If so, was his deprivation of liberty in the period between 31 October and 11 November 2004 compatible with the guarantees of Article 5 §§ 1-5 of the Convention?

5. Having regard to the applicant's submissions concerning his sending of letters to the Court (a) dated 6 February 2006 through the authorities of the Chernokozovo detention facility (b) dated 27 March 2006 and sent through the authorities of colony IK-28 in the Arkhangelsk Region, (c) dated 15 May 2006 and forwarded on 25 May 2006 by colony IK-28 in the Arkhangelsk Region (outgoing number 26/28-4-U-3), the Government are asked to furnish excerpts of logbooks of outgoing correspondence of those detention facilities and copies of the applicant's relevant letters, if any.

6. Did the applicant comply with the six month rule in respect of his complaint under Article 6 of the Convention about the criminal proceedings against him? If so, on what self-incriminating statements given at the pre-trial stage (please, indicate their dates and provide their copies) did the domestic courts rely in convicting the applicant in the proceedings which ended with the final judgment of the Supreme Court of Russia of 8 December 2005? Were all those statements obtained in the presence of a lawyer? Was the fairness of the first applicant's trial undermined in view of the domestic courts' reliance, in convicting him, on his self-incriminating statements, allegedly obtained under torture, so as to be in breach of Article 6 §§ 1 and 3 (c) of the Convention (see *Gäfgen v. Germany* [GC], no. 22978/05, §§ 165-66, ECHR 2010, and *Salduz v. Turkey* [GC], no. 36391/02, § 55, ECHR 2008)?

7. Did the applicant have at his disposal effective domestic remedies for his complaints under Article 3 of the Convention about his alleged ill-treatment, as required by Article 13 of the Convention?